Appendix.

[Vide answer to starred question No. 198 asked by Sri N. K. Palanisami and Sri S. M. Annamalai at the meeting of the Legislative Assembly held on 16th August 1960, page 210 supra.]

ASSURANCE No. 928—ANSWER TO LEGISLATIVE ASSEMBLY STARRED QUESTION No. 724, ASKED BY Sri A. A. RASHEED AND THREE OTHERS.

Arrest of Mr. Fredrick March and three other American Nationals.

On the 19th of April last, the Home Minister, while answering Starred Question No. 1835, regarding the arrest of some Americans at the Lower Camp Police out-post on the road from Thekkadi to Madurai, assured the House that a detailed statement on the subject would be placed on the table of the House. In fulfilment of that assurance, the following statement is placed on the Table of the House.

The Americans in question were, Mr. Fredrick March and his wife and Dr. Crohne and his wife. They had come to India on a tour. Their tour was arranged by Messrs. Orient Express Company, New Delhi.

The tourists reached Madurai by air from Trivandrum on the evening of 18th February 1960. Sri Chandran, son of the local agent of the Orient Express Company, received them at the airport and took them in his private car to Thekkadi in the Kottayam district of the Kerala State where the headworks of the Periyar Irrigation System and the Periyar Game Sanctuary are situate. The local Government Tourist Officer had no prior information about their projected tour. He met them at the airport and offered to help them in their tour which offer the tourists did not avail of.

There is no law such as the one in force in Madras prohibiting the possession or consumption of intoxicating liquor in force in Kottayam district. As Kottayam adjoins Madurai district, a Police out-post has been opened in the Lower Camp on the road from Thekkadi to Gudalur in Madurai district with a view to prevent transport of liquor from Kottayam into Madurai district.

While the tourists were yet at Thekkadi, the Tourist Officer, Madurai, went there in connection with his official duties. There he saw the car in which the Americans had travelled from Madurai to Thekkadi. He had reason to suspect that the car was being used as an illicit taxi. Therefore, on his way back to Madurai, the Tourist Officer informed the Officer-in-charge of the Police out-post at the Lower Camp that the car in question was being used as an illicit taxi and that the car might be coming down the road the next morning and that it was likely that the car might be used for transporting contraband liquor. The information was recorded in the General Diary of the Police out-post.

The Marches and the Crohnes left Thekkadi for Madurai on the morning of the 20th in the same car and reached the Police out-post at about 10-45 a.m. The Police officials stopped the car and asked the tourist agent whether it was being used illicitly as taxi. On being assured that it was not so, the Police officials searched the car. During the search they found a bottle containing about 4 oz. of whisky in Dr. Crohne's medicine-bag. He had a permit for possessing liquor but it had expired a few days earlier and it had not been renewed. The tourists and the agent were therefore taken by the head constable in charge of the out-post to Gudalur Police station to which the out-post is attached. At Gudalur, a case under section 4 (1) (*a*) of the Prohibition Act was registered against them and they were released on their own bonds immediately after recording a formal arrest. The tourist agent requested the head constable to accompany him to the Sub-Magistrate, Uthamapalayam, to arrange for the appearance of the foreigners by proxy in court.. The head constable complied with the request. They reached Uthamapalayam at about 12-30 p.m. and Sri Chandran met the Sub-Magistrate and requested him to allow the accused to be represented by proxy. The Sub-Magistrate told Chandran that if appearance was to be by proxy, a lawyer should be engaged. No lawyer was available at that time in Uthamapalayam. Mr. Fredrick March therefore signed a bond authorizing Sri Chandran to represent the tourists in the court. The tourists then left Uthamapalayam for Madurai.

Immediately on receiving a report from the Inspector-General of Police, about the arrest of the Americans, the Government felt that, in the special circumstances of the case, there was no need to prosecute the American nationals for an offence punishable under section 4 (1) (*a*) of the Prohibition Act. The case against them was therefore withdrawn.

The Government have examined carefully the circumstances leading to the arrest of the American nationals with specific reference to the point whether they were subjected to any manner of harassment. It is a fact that, when their car was searched, the tourists had in their possession some liquor and that they had no valid permit for possessing the same. By having brought liquor into Madras State without due authority, the foreigners had committed an offence punishable under section 4 (1) (*a*) of the Madras Prohibition Act which is a cognizable offence. Under the Criminal Procedure Code, any Police official may arrest without a warrant any person who has committed a cognizable offence. This was what the head constable did. It was an arrest only in the technical sense and the head constable immediately released them on their own bonds and what was more went with them to Uthamapalayam for helping them in the matter of appearing before court by proxy. The Government are satisfied that there was no harassment of the tourists by the Police.

In response to a communication received from the Government of India, this Government have apprised them of the full facts of the case.

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